

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:09-CR-0211 |
| | : | |
| v. | : | (Judge Conner) |
| | : | |
| ROBERT L. NELSON, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 26th day of May, 2010, upon consideration of defendant Robert Nelson's motion (Doc. 106) pursuant to Rule 12(b) of the Federal Rules of Criminal Procedure, and it appearing that Nelson is represented by counsel but filed the instant motion without assistance therefrom, see United States v. D'Amario, 268 F. App'x 179, 180 (3d Cir. 2008) ("The Constitution does not confer a right to proceed simultaneously by counsel and pro se . . ."); see also United States v. Vampire Nation, 451 F.3d 189, 206 n.17 (3d Cir. 2006), it is hereby ORDERED that the motion (Doc. 106) is DENIED, without prejudice to Nelson's right to file a motion seeking similar relief with the assistance of counsel.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge